APRIL 15, 2014 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 4

<u>ITEM # 5</u>

PURPOSE

To consider amending the site plan for The Charles Agency, Inc. regarding rezoning application Z-149 (O'Neil Developments, Inc) of 1989, for property located in Land Lot 413 of the 19th District, on the west side of Powder Springs Road, south of Macland Road.

BACKGROUND

The subject property was rezoned to General Commercial (GC) for a restaurant in 1989. Since the 1989 rezoning case, a portion of the restaurant lot was developed for an assisted living facility by the adjacent property owner. In 2012 the site plan was amended for a dental office, which was not built on this property. The applicant would like to amend the approved site plan to use the existing house for an Allstate Insurance. The insurance office will be open Monday through Friday from 9:00 a.m. to 6:00 p.m., and from 10:00 a.m. to 1:00 p.m. on Saturdays. There will be 4 to 5 employees at this office. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

STAFF COMMENTS

Water and Sewer: Continued use of septic system allowable with approval of Environmental Health Department.

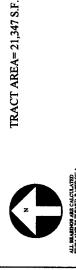
ATTACHMENTS

Other Business Application, zoning stipulations, and proposed site plan.

#5

Application for "Other Business Be COUNTY GEORGIA Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)	BOC Hearing Date Requested: April 15, 2014
Applicant: The Charles Agency, Inc.	503D COUNTY ZOHING DIVISION Phone #: (678) 331-3000
(applicant's name printed) Address: 1750 Powder Springs Rd., Suite 220, Marietta, GA	
Sams, Larkin, Huff & Balli, LLP Garvis L. Sams, Jr. Address:	376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)	376 Powder Springs Street, Suite 100, Marietta, GA 30064 2-7016 E-Mail: gsams@slhb-law.com
Phone #: (770) 422	
(representative's signature) Signed, sealed and delivered in presence of:	DO PUBLIC
Notacy Public	My commission expires: 04/10/2016
Debra Corn Poston, Executrix of Titleholder(s): The Estates of Billy Franklin Corn & Patri (property owner's name	icia Ann Com Phone #: (404) 822-0216
Address: 2232 Rosemoore Walk, Marietta, GA 30062	E-Mail: dposton@medquestmathhilling
allebre foston	
(Property owner's signature) Debra Com Poston, Executrix	★ ◆• ★
Signed) sealed and delivered in presence of:	PUBLIC A
Kist W. Kill -	My commission expires: 10/8/17
Notary Public	The state of the s
Commission District: Cupid (4)	Zoning Case: 2-149 (1989)
Date of Zoning Decision: June 19, 1990	Original Date of Hearing: June 20, 1989
Location: 1784 Powder Springs Road, Marietta, GA	
(street address, if applicable; nearest Land Lot(s): 413	Intersection, etc.) District(s): 19th
State specifically the need or reason(s) for	r Other Business: To amend the previously approved site plan.



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2014 MAR 11 PM 12: 4.9

SOUSTINE DIVISION Y ZONNIG DIVISION

(13)

FCWVC PROPERTIES, INC. DB 14926 PG 5233 TAX ID# 19041300050 ZONED GC ž

SHED

NF MACLAND POINTE STATION LLC DB 15031 PG 4247 TAX ID# 19041400110 ZONED NS

1. PROPERTY ZONED GC TO REMAIN AS PER CASE Z-149(1989) & OTHER **BUSINESS #5(2012)**. GENERAL NOTES

BE USED AS INSURNACE OFFICE 2. EXISTING ONE STORY BRICK TO

SPACES, 1 HANDICAP, & 1 INTO CARPORT. AS SHOWN TO PROVIDE 3 STANDARD 3. EXISTING DRIVE TO BE CONVERTED

4. PURPOSE FOR THIS PLAN IS TO AMEND THE SITE PLAN APPROVED IN 2012.

5. PROPERTY TO BE SERVED BY COUNTY WATER & EXISTING SEPTIC TANK SYSTEM

> HCP SH ELP3 PROPERTIES LLC TAX ID# 19041400120 ZONED GC TYND FOL COBNEK OL 12230, YTONG FIT LO ZC LEGEND
> BAC - BACK OF CURB
> BL - BUILDING LINE
> CONC. CONCRETE
> DR - DRIVE
> DR - DEED BOOK
> EXISTING IMPROVEMENTS ARE DASHED LINES

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FRET POR A TOST OTOLA, OF A SQUARE PERT NAMES. THE WAIL.

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A STANDARD PROPOSED

TOWNER, SPAINOS ROAD

TO REMAING ONE

N 010 30" E

HCP SH ELP3 PROPERTIES LLC DB 15001 PG 5253 TAX ID# 19041400120 ZONED GC

ż

132.80

SITE ADDRESS: 1784 POWDER SPRINGS ROAD MARIETTA, GA. 30064 TAX ID# 19041300060

DB 15001 PG 5253

LL - LAND LOT LLL - LAND LOT LINE PB - PLAT BOOK PG - PAGE

PROPOSED IMPROVEMENTS SHOWN SOLID LINES R/W - RIGHT OF WAY SIDEWALK.

RALSTON CHARLES

SITE PLAN POR

PLAT FOR BILLY & PATRICIA CORN PB. 25 PG. 84
LAND LOT 413 19TH DISTRICT 2ND SECTION GEORGIA SCALE: 1"- 30" COBB COUNTY,

3982 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127 Ph. (770) 435-2576 - Fex (770) 943-6912 PLANNING - ENGINEERING - LAND SURVEYING

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.

GRAPHIC SCALE IN FEET

BILLY & RATRICAC CORN RECIPERTY TAKED 11-24-62 BY ROBEST WEAVER RISH 66 8 AND RECORDED IN CORN COUNTY RECORDS IN PLACE AS SOURED BY PLACE AS SOURCE IN PRESIDENCE BY PLACE AS SOUR PRINCES BY PRESIDENT BY PLACE AS SOURCE IN NO FIRED WORK FIAS BEEN PRESIDENCE BY PLACE AS SOURCE IN NO FIRED WORK FIAS BEEN PRESIDENCE. THIS PLAN WAS MADE WITHOUT THE BENEFIT OF A CURRENT THILE COMBITMENT. EASEMENT AND ENCIMERANCES MAY EXEST WHICH BENEFIT AND BUILDEN THIS PROFECTY.

30B. COMP

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR. JOEL L. LARKIN PARKS F. HUFF JAMES A. BALLI

SUITE 100 376 POWDER SPRINGS STREET MARIETTA, GEORGIA 30064-3448 770 • 422 • 7016 **TELEPHONE** 770 • 426 • 6583 **FACSIMILE**

JUSTIN H. MEEKS

SLHB-LAW.COM

March 11, 2014

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager **Cobb County Zoning Division** Community Development Agency 1150 Powder Springs Road, Suite 400 Marietta, GA 30064

Re:

D DELIVERY

Pederson, AICP, Manager

ty Zoning Division

Development Agency
er Springs Road, Suite 400
A 30064

Other Business Application of The Charles Agency, Inc. regarding Rezoning
Application 7.449 (O'Neil Developments, Inc.) of 1989 Application Z449 (O'Neil Developments, Inc.) of 1989 Property located in Land Lot 413 of the 19th District, 2nd Section, Cobb County, GA

Dear John:

This firm has been engaged by and represents The Charles Agency, Inc. concerning the above-captioned Other Business Application. In that regard, enclosed please find the Application; the requisite number of copies of the site plan; a check for the filing fee in the sum of Three-Hundred Dollars (\$300.00); and, the underlying documentation and correspondence relative to the original rezoning in 1989 and a subsequent Other Business Application approval (2012).

From an historical perspective, the subject property was originally rezoned to General Commercial (GC) for a restaurant in 1989. However, that proposed development never came to fruition. Then, in 2012, an Other Business Application was filed (OB #5) for the purposes of the ultimate construction of offices for Atlanta West Family Dentistry. However, likewise, that development did not occur on the site with the subject property remaining undeveloped.

With respect to the current Application, The Charles Agency, Inc. is desirous of moving its offices from the nearby Publix Shopping Center to the subject property. The Allstate Agency will have between 4-5 employees and its hours of operation will be from 9:00 a.m. until 6:00 p.m. Monday through Friday and from 10:00 a.m. until 1:00 p.m. on Saturdays with the business being closed on Sundays.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency March 11, 2014 Page 2

We have requested that the hearing for this Application be on April 15, 2014. Please let me know when the notification signage is prepared so that I can ensure that the subject property is properly posted. In the interim, please do not hesitate to call should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr. gsams@slhb-law.com

GLS/dsj

cc:

Enclosures

Mr. Ralston Charles (via email w/attachments)

Mr. M. Carlyle Kent (via email w/attachments)

Jung (

(type or print clearly)

Application No. 2-149Hearing Date 7-20-89

O'Neill Applicant Development		one 426-0331 Home Phone	
Glen S. Long		Parkway Place, Suite 920, Marietta, G	
(representative's name, pri	Business Phor	ne 426-0331 Home Phone 252-0633	•
Titleholder Eunice Nell	Stevens Business Phon	ne none Home Phone 422-6528 powder spring Rd marutta	3
(attach additional signat	ures, if needed)	power spring of marces.	KSA,
Zoning Request From	R-20	To GC	
	(present zoning)	(proposed zoning)	
For the Purpose of	restaurant	Size of Tract 0.710 acre(s)	
Location 1796 Powder S	ubdivision, restaurant, warehouse, apts., prings Road	, etc.)	
(street address, if ap Land Lot(s) 413 & 476	oplicable, nearest intersection, etc.)	District 19th, 2nd section	
	at there are no X there:	archeological and/or architectural land- are such assets. If any, they are as	
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	Applicant	Vs Signature	
Annual Manual Samuel Annual County State States States States States			-
		the proper states among names names proven province among delight states abbids (2000) \$5000 \$5000 \$5000 \$5000	
	FOR OFFICIA	AL USE ONLY	
		Planning Commission recommended approval of thad it additional in style; 2) landscape plan to be sub	
		Sewer comments: 5) Development Control comment	
		ffer; 7) per site plan submitted. Motion by Va	
second by Jones, carried 5-	<u>0/</u>		
Harry Elle	Chairm	ian ·	
Board of Commissioners'	Decision Board of Commissi	ioners approved application as recommended by t	he
	3-2, Burton and Powell opp	oosed.	
	<u>Ot</u>	ther Business Item of 6-19-90 Continued On Next	Page



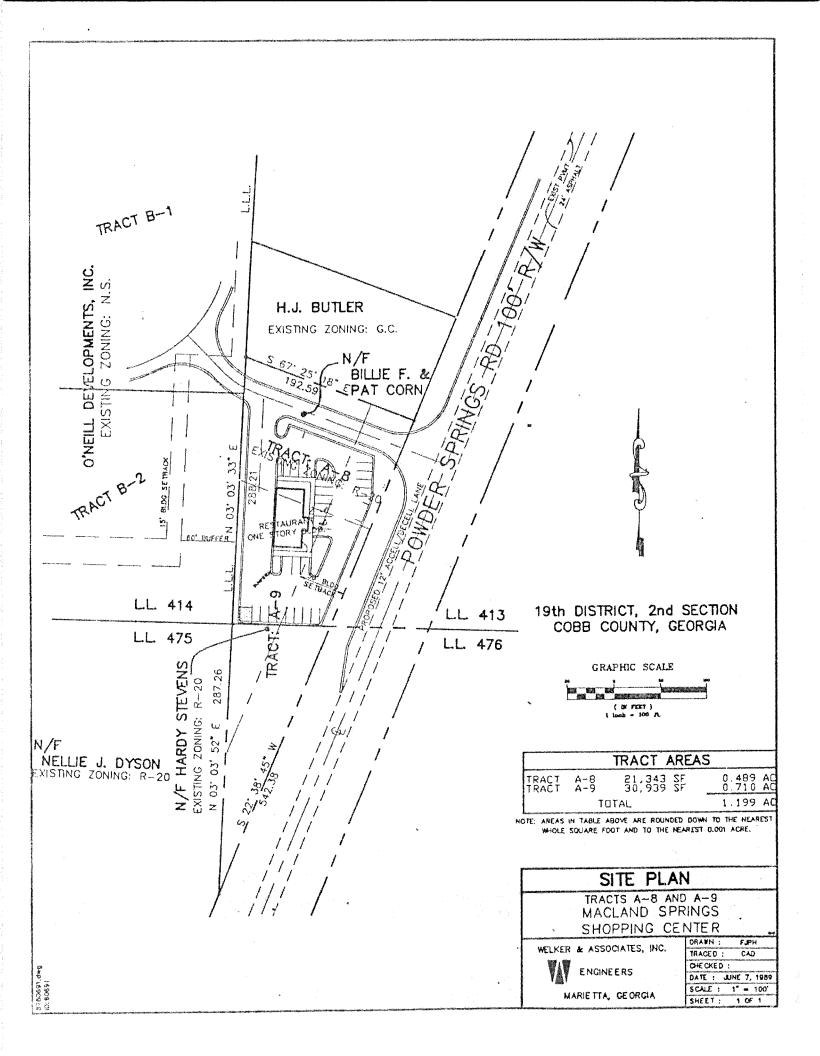
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Application No. 2-149
Hearing Date 1-20-89

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sp)ncan_	Address	
Contract and a series of the series of		Home Phone
(rencesenation's signature)		
$Q_{i,j}$	1) Durly and Phana	Home Phone 427-2915
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Zoning Request From		To (proposed zoning)
	(present zoning)	Sino of Tract 2cre(s)
For the Purpose of	and the second s	Size of Tractacre(s)
(subdivi	sion, restaurant, warehouse, apts., etc.)	The control of the co
	ble nearest intersection, etc.)	
(street address, if applicat		ATTACA CALLA
We have investigated the site marks. I hereby certify that the	as to the existence of arch	eological and/or architectural land- such assets. If any, they are as
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We have investigated the site marks. I hereby certify that the follows: Recommendation of Planning	as to the existence of archere are no there are Applicant's S FOR OFFICIAL Use Commission Chairman	eological and/or architectural land- such assets. If any they are as ignature USE ONLY

COBB COUNTY BOARD OF COMMISSIONERS COBB COUNTY PLANNING COMMISSION

Date of Application:	Date of Hearing:
Applicant's Name: O'Neill Development, Inc.	
Recommendation of Planning Commission (Continu	ued from Page 1)
Chairman.	
Final Decision of Board of Commissioners (Contin	nued from Page 1)
6-19-90 Other Business Item for rezoning from	a GC with stipulations to GC with amended
stipulations for the purpose of Amending the Sit	e Plan and Proposed Uses in Land Lot 413 of
the 19th District. 5 acres. Located at the so	athwest corner of Macland Road and Powder
Springs Road. Mark Danneman, Zoning Ad	
representative, presented information regarding	
approved amendment of site plan, therefore allo	
the free standing site, and allowing a second	
second access to be a shared access with tra	
applicable stipulations to remain in force. Motio	n by Paschal, second by Smith, carried 3-0.
Thilip L Son Chairman	



P D

(type or print clearly)

Application No. 2-149
Hearing Date 7-20-89

	ts, Inc. Business Phone 426-0331 Home Phone Address 1850 Parkway Place, Suite 920, Marietta, GA 300
Glen S. Long (representative's name, p	
Hler & Lande	
(representative's signatur	

material Billy F.	Corn Pusings Phone none Home Phone 427-2915
Signatures 40.44	Business Phone none Home Phone 427-2915 Color Address 1784 Powder Springs Road, Marietta, GA
(attach additional sign	
fament accountain silin	action, in electrical control of the
Zoning Request From	R-20 TO GC (present zoning) (proposed zoning)
	1
	restaurant Size of Tract 0.489 acre(s)
Location 1784 Powder	(subdivision, restaurant, warehouse, apts., etc.)
	applicable, nearest intersection, etc.)
	District 19th 2nd section
	e site as to the existence of archeological and/or architectural land- hat there are no x there are such assets. If any, they are as
	LANX 1. LIPPES
	Applicant's Signature
	A STORE THAN SAME SAME SAME SAME SAME SAME SAME SAME
	FOR OFFICIAL USE ONLY
Recommendation of Pla	nning Commission
incedimine industrial in the	
	Chairman
Board of Commissioners	Chairman s' Decision
Board of Commissioners	
Board of Commissioners	

AUGUST 20, 1996 ZONING HEARING "OTHER BUSINESS"

ITEM #5

PURPOSE

BACKGROUND

To consider a site plan amendment for Griffith & Associates, Inc. regarding applications #73 of April 21, 1987 and Z-149 of July 20, 1989 (O'Neil Development) for property located at the southwest intersection of Macland Road and Powder Springs Road in Land Lots 413, 414 and 476 of the 19th District.

The majority of the shopping center is zoned GC and NS, subject to a site plan. The approved site plan is attached (ATTACHMENT A). The shopping center is developed with the exception of the southern portion which is approved for 48,300 sq. ft. The southern portion which is adjacent to Powder Springs Road is zoned GC, subject to a site plan for a 4,000 sq. ft. restaurant. This approved site plan is attached (ATTACHMENT B). The request would be to allow both site plans to be amended to allow for development as indicated on the proposed site plan (ATTACHMENT C). The proposed usage is for a 46 unit assisted living facility with plans for expansion with the total square footage not to exceed 47,000 sq. ft. The out parcel is being requested to be expanded to 5,000 sq. ft. The total square footage is not being increased and the proposed uses are allowed under the present zoning. The originally approved buffers and stipulations are not being changed. The request letter is attached for your review (ATTACHMENT D).

FUNDING

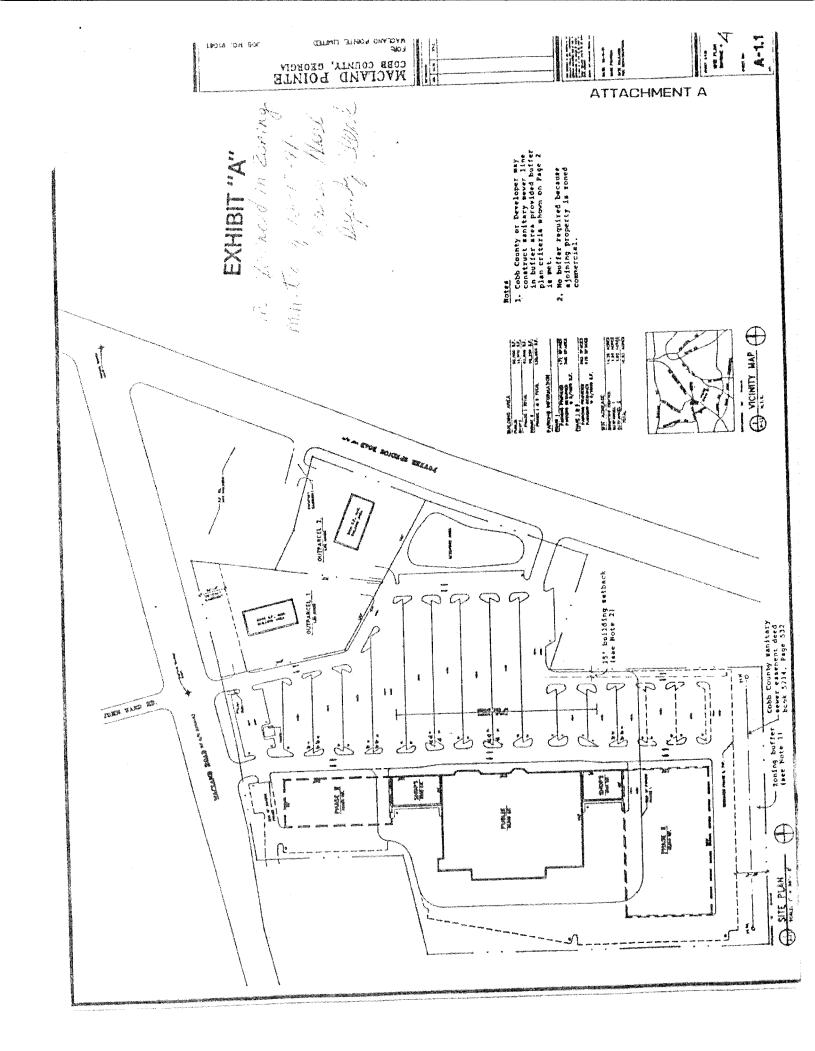
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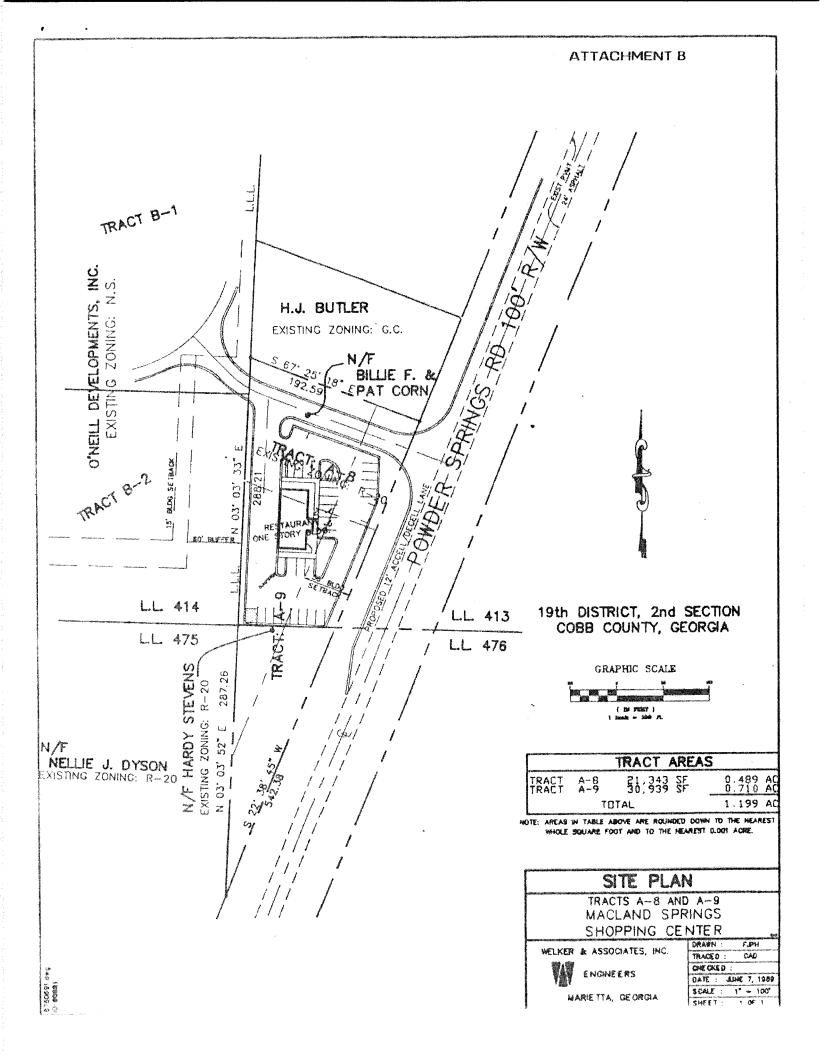
RECOMMENDATION

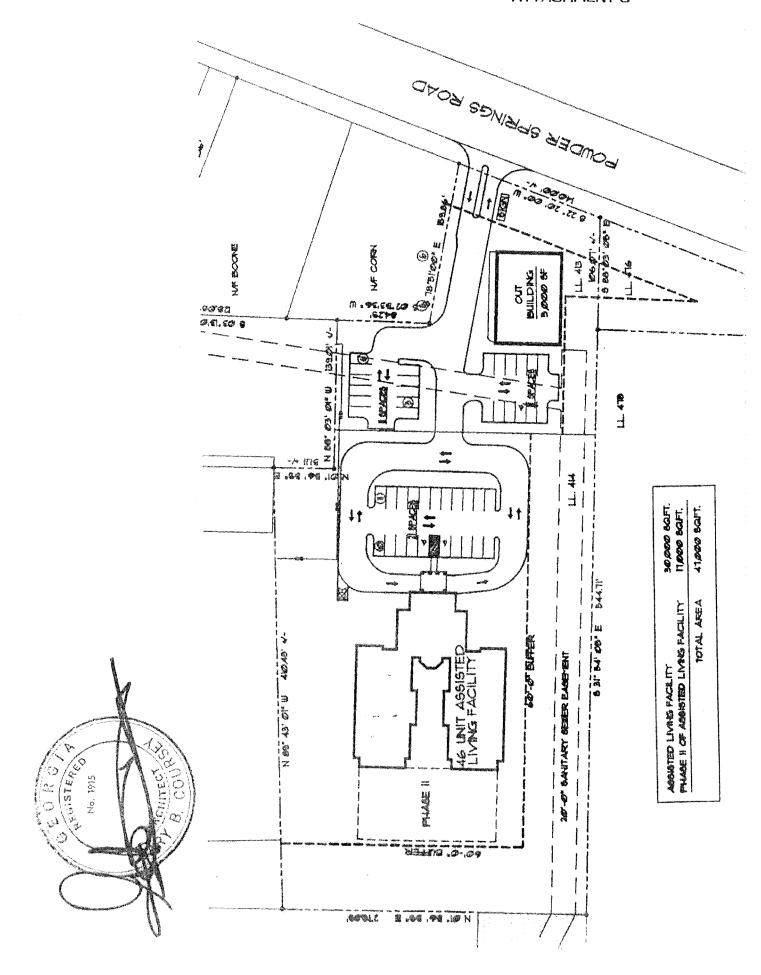
The Board of Commissioners consider approval of the request, subject to the revised site plan submitted, and all other previously approved conditions/stipulations to remain in effect.

ATTACHMENTS

Shopping Center Approved Plan (ATTACHMENT A)
Out Parcel Approved Plan (ATTACHMENT B)
Proposed Plan (ATTACHMENT C)
Request Letter (ATTACHMENT D)







Page Two

The proposed minor site plan amendment that Macland Pointe Limited Partnership requests is for an outbuilding of 5,000 square feet on the property fronting on Powder Springs Road and an assisted living facility of up to 47,000 square feet on the prior "Phase III" piece. It us our opinion that this use makes for a good "step-down" use between the existing shopping center and the adjoining residentially zoned property. This use is consistent with N.S. and G.C. zoning in Cobb County.

I appreciate your consideration in this regard. We hope that this request will be looked upon favorably by the board.

Sincerely,

Macland Pointe Limited Partnership

By: Griffith & Associates, Inc.-General Partner

By:

Robert S. Griffith, III-President

MAY 15, 2012 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 4

ITEM #5

PURPOSE

To consider amending the site plan for Atlanta West Family Dentistry regarding rezoning application Z-149 (O'Neil Developments, Inc) of 1989, for property located in Land Lot 413 of the 19th District, on the west side of Powder Springs Road, south of Macland Road.

BACKGROUND

The subject property was zoned General Commercial (GC) for a restaurant in 1989. Since the 1989 rezoning case, a portion of the restaurant lot was developed for an assisted living facility by the adjacent property owner. The applicant would like to amend the approved site plan to develop a dental office on this lot. The proposed site plan and building architecture is attached for review. In order fit the building on the property, the applicant would need to encroach into the rear setback due to odd shape of the rear of the property. Cobb D.O.T. has submitted a recommendation encouraging interparcel access with one of the neighboring commercial properties. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

Cobb D.O.T. strongly encourages interparcel access with adjacent properties.

ATTACHMENTS

Other Business Application, zoning stipulations, proposed site plan and proposed architecture.

Year 2012 Form			OB 5
Application for "Other Bu	usiness'?	7114	
Cobb County, Georgia	APR	1 0 2012	2:01
(Cobb County Zoning Division - 770-528-2035)	BOC Hearing Date Req	uesua 5-15	-2012
Applicant: ATLANTA WEST Family	N •	Marie Marie Control of the Control o	
Address: 1599 Mulkey Rd. Ava	incll E-Mail:	travisuatson	valbellsourt!
TIM WATFORD Address: 54	525 Interstate	1	·NCT
(representative's name, printed)			7
Phone #: 404-21	4-5200 E-Mail: Lin	n Dreacack san	thersten am
(representative's signature)			0
Signed sealed and delivered in presence of:		\wedge	
Notary Public	My commission expires:	January 3	0. 2015
Titleholder(s): Debra Poston	Phone #:	- 770 9791	4434
Address: 2232 Rusemcore Walk M	Cin etta Gr. 30062	Opostena n	redquest mail.
alversia Dosin	INDEBORAN CHILL		Com
(Property owner's signature)	NON		
Signed, sealed and delivered in presence of:	312 2 3 3 5		
Mouah (Williams	Africanium varia	12/9/13	
Nótary Public	WAY GEORGIAN	-	
Commission District:4	Zoning Case: Z	- 149	
Date of Zoning Decision: 06-19-90 0	riginal Date of Heari	ng: <u>07-20-</u> 8	39
Location: 1784 Powder Sprin	gs Road		
(street address, if applicable; nearest into	District(s):	19	
State specifically the need or reason(s) for O	other Business: 10	AMENIO S	HE PLAN



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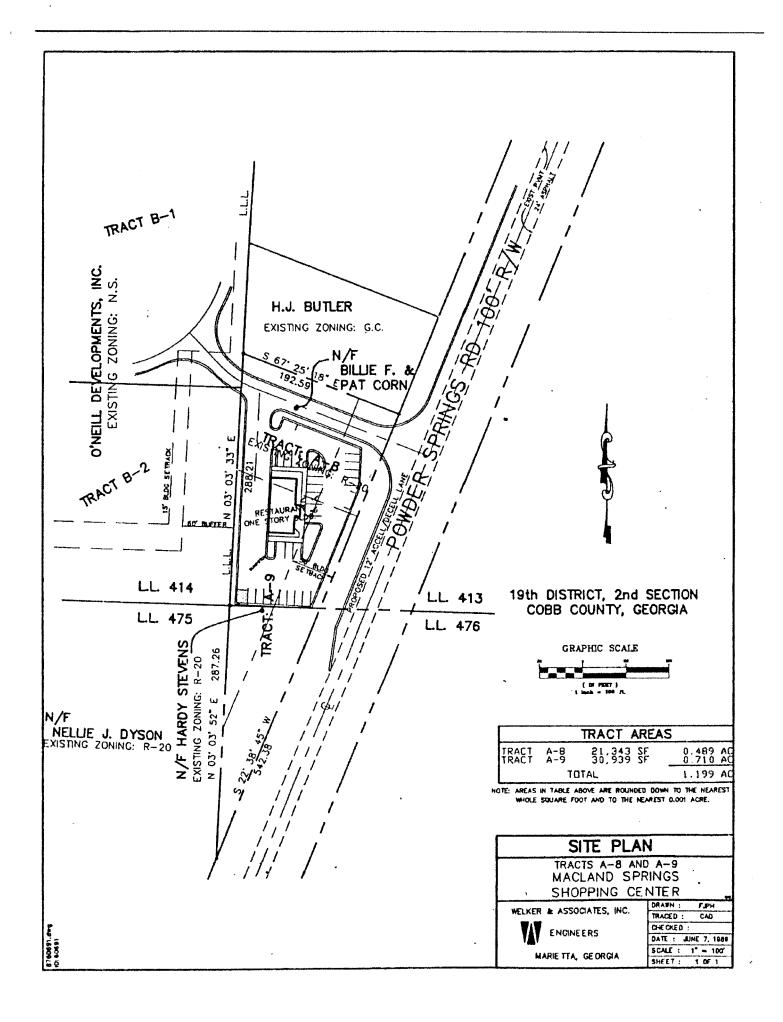
Application No. 2-149

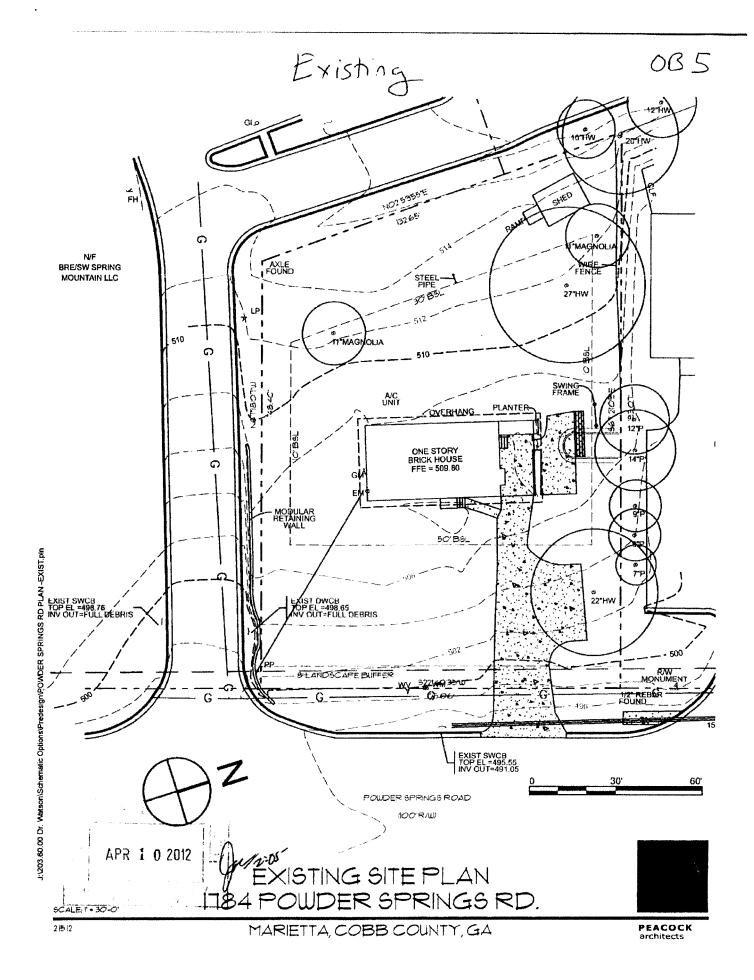
Hearing Date 7-20-89

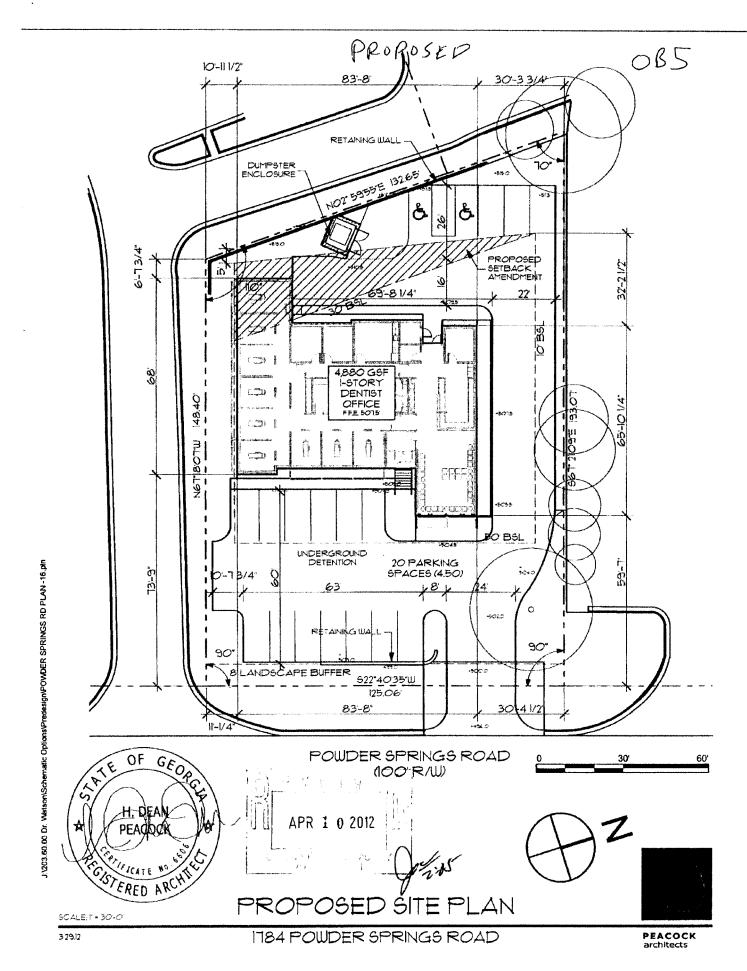
O'Neill	
Applicant Developments, Inc. Business Phone 426-0331 Home Phone	
Glen S. Long Address 1850 Parkway Place, Suite 920, Marietta, GA 3006	
(representative's name, printed) Him S. Jany Business Phone 426-0331 Home Phone 252-0633	
(representative's signature)	
Titleholder Eunice Nell Stevens Rusiness Phone none Home Phone 422-6528	
Titleholder <u>Eunice Nell Stevens</u> <u>Business Phone none</u> <u>Home Phone 422-6528</u> Signature <u>Eunice nell Stevens</u> ddress 1796 powder <u>Spring Rd marutta</u> , Wa.	
(attach additional signatures, if needed)	
Zoning Request From R-20 To GC (present zoning) (proposed zoning)	
•	
For the Purpose of restaurant Size of Tract 0.710 acre(s)	
(subdivision, restaurant, warehouse, apts., etc.) Location 1796 Powder Springs Road	
(street address, if applicable, nearest intersection, etc.)	
Land Lot(s) 413 & 476 District 19th, 2nd section	
We have investigated the site as to the existence of archeological and/or architectural land-marks. I hereby certify that there are no \boxed{x} there are $\boxed{}$ such assets. If any, they are as follows:	
ANX. VI con	
Applicant's Signature	
·	
FOR OFFICIAL USE ONLY	
Recommendation of Planning Commission 7-20-89 Planning Commission recommended approval of this	
application subject to: 1) building to be one story traditional in style; 2) landscape plan to be submitted during plan review; 3) Cobb DOT comments; 4) Water and Sewer comments; 5) Development Control comments;	
second by Jones, carried 5-0	
Chairman Chairman	
Board of Commissioners' Decision Board of Commissioners approved application as recommended by the	
Planning Commission. VOTE: 3-2, Burton and Powell opposed.	
Other Business Item of 6-19-90 Continued On Next Page	

COBB COUNTY BOARD OF COMMISSIONERS COBB COUNTY PLANNING COMMISSION

Date of Application:	Date of Hearing:
Applicant's Name: O'Neill Development, I	ne.
Recommendation of Planning Commission (Continued from Page 1)
Chairman.	
Final Decision of Board of Commissioners	(Continued from Page 1)
	ng from GC with stipulations to GC with amended
	the Site Plan and Proposed Uses in Land Lot 413 of
	the southwest corner of Macland Road and Powder ng Administrator, and Glen Long, applicant's
	garding this petition. The Board of Commissioners
	ore allowing removal of originally stipulated uses on
	econd access point on Powder Springs Road. The
second access to be a shared access w	ith tract A-5 as indicated on site plan; all other
applicable stipulations to remain in force.	Motion by Paschal, second by Smith, carried 3-0.
Thilip & Secretarinan	







S102 0 1 A9A

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SUN SHADE

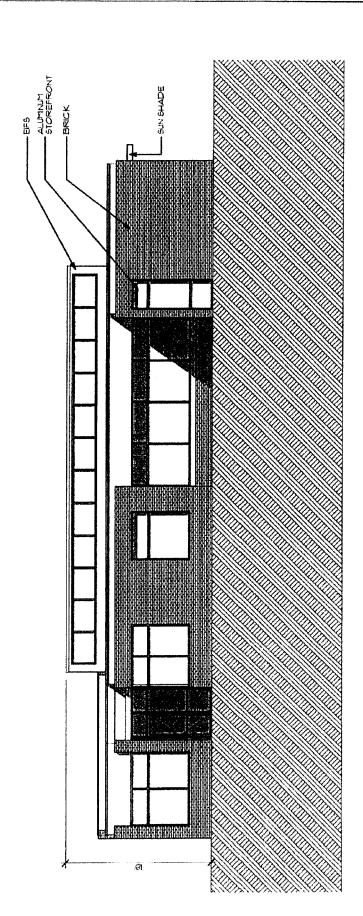
PROPOSED EAST ELEYATION

1784 POWDER SPRINGS ROAD

PEACOCK architects

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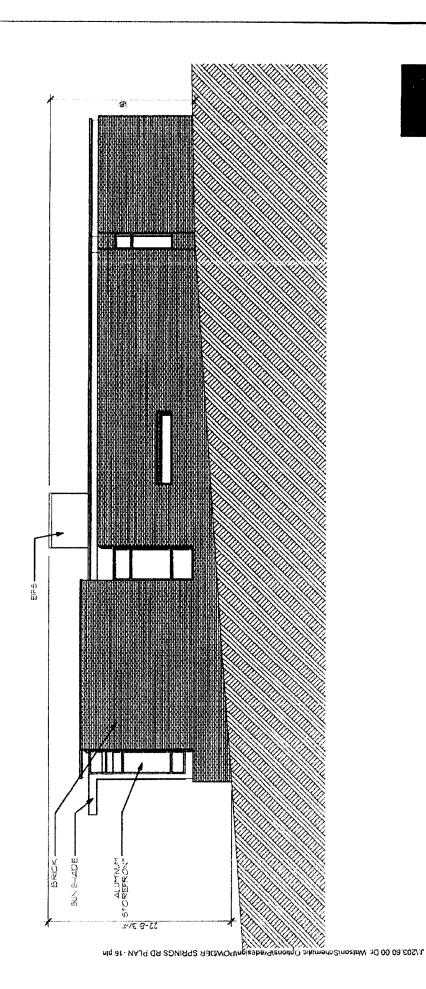


PROPOSED WEST ELEYATION

1784 POWDER SPRINGS ROAD

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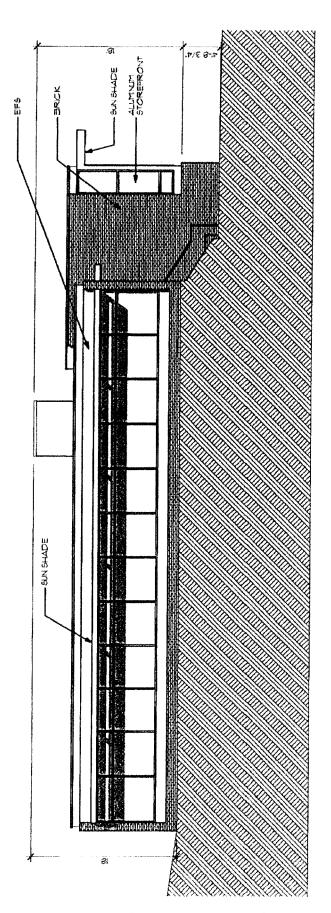
PROPOSED NORTH ELEYATION 1184 POWDER SPRINGS ROAD

PEACOCK architects

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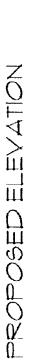
PEACOCK architects

PROPOSED SOUTH ELEYATION

1784 POWDER SPRINGS ROAD

SCALE 3/37 * 'O'





1784 POWDER SPRINGS ROAD